

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2013

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HOUSE BILL 1134

Short Title: Cleveland County/Road Assessment Criteria. (Local)

Sponsors: Representatives T. Moore and Hastings (Primary Sponsors).

*For a complete list of Sponsors, refer to the North Carolina General Assembly Web Site.*

Referred to: Government.

May 21, 2014

1 A BILL TO BE ENTITLED  
2 AN ACT TO REVISE THE REQUIREMENTS FOR A PETITION SUBMITTED TO  
3 CLEVELAND COUNTY BY PROPERTY OWNERS SEEKING COUNTY FINANCING  
4 OF ROAD IMPROVEMENTS.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** G.S. 153A-205(c) reads as rewritten:

7 "**§ 153A-205. Improvements to subdivision and residential streets.**

8 ...

9 (c) Before a county may finance all or a portion of the cost of improvements to a  
10 subdivision or residential street, it must receive a petition for the improvements signed by at  
11 least seventy-five percent (75%) of the owners of property to be assessed, who must represent  
12 at least ~~seventy-five percent (75%)~~ seventy percent (70%) of all the lineal feet of frontage of  
13 the lands abutting on the street or portion thereof to be improved. The petition shall state that  
14 portion of the cost of the improvement to be assessed, which shall be the local share required  
15 by policies of the Secondary Roads Council. A county may treat as a unit and consider as one  
16 street two or more connecting State-maintained subdivision or residential streets in a petition  
17 filed under this subsection calling for the improvement of subdivision or residential streets  
18 subject to property owner sharing in the cost of improvement under policies of the Department  
19 of Transportation.

20 Property owned by the United States shall not be included in determining the lineal feet of  
21 frontage on the improvement, nor shall the United States be included in determining the  
22 number of owners of property abutting the improvement. Property owned by the State of North  
23 Carolina shall be included in determining frontage and the number of owners only if the State  
24 has consented to assessment as provided in G.S. 153A-189. Property owned, leased, or  
25 controlled by railroad companies shall be included in determining frontage and the number of  
26 owners to the extent the property is subject to assessment under G.S. 160A-222. Property  
27 owned, leased, or controlled by railroad companies that is not subject to assessment shall not be  
28 included in determining frontage or the number of owners.

29 No right of action or defense asserting the invalidity of street assessments on grounds that  
30 the county did not comply with this subsection in securing a valid petition may be asserted  
31 except in an action or proceeding begun within 90 days after the day of publication of the  
32 notice of adoption of the preliminary assessment resolution.

33 ...."

34 **SECTION 2.** This act applies to Cleveland County only.

35 **SECTION 3.** This act is effective when it becomes law.

